

John Cianci

Wed, Mar 10,
10:32 PM (16
hours ago)

to rep-vella-wilkinson@rilegislature.gov, Rep-noret@rilegislature.gov, Rep, rep-solomon@rilegi

March 7, 2021

Honorable Members of State of Rhode Island House of Representatives,

First and foremost, THANK YOU for hearing the voices of the victims of illegal charges of a maintenance fee to disable veterans by the Rhode Island Veterans Home and introducing legislation to right the wrong as best can be.

Today's testimony will be from the Italian American War Veterans of Rhode Island (ITAM-RI) bill H 5927, testimony supported with official government documents:

- Reimbursement of estimated millions of dollars for the time period April 2007-pre February 2013.
- Root-cause of illegal charging millions of dollars to disable veterans every single month since 2007

Before I begin, ITAM-RI endorses the content of the bill 100%. Let there be no doubt, the state has a legal obligation and a mandate to reimburse all Veterans charged this state maintenance from the effective date of the law change in April 2007, per a phone call ITAM had on March 10, 2021 with:

Valarie Delanko, RDN, LDN, CPHQ

National State Veterans Homes Program Manager for Quality & Oversight

The Office of Geriatrics & Extended Care (12GEC)

Valarie.Delanko.va.gov (point of contact for Director Courtney Hawkins and Director Kasin

Yarn on 11/20/20 VHA VA correspondence on actions to reimburse)

202-632-6320 or 202-632-6320 *

***ITAM encourages the mebers of this committee to call Valarie Delanko to vetify the VA is expecting reimbursements from April 2007, the effective date of the law change, not February 2013 as Director Yarn has communicated to the victims and Veteran organizations(Attachment 1, Director Yarn's response to question on reimbursement).**

The years from 2007 to 2013, ITAM believes will obligate the state millions of additional dollars already determined; ITAM believes the illegal charges add up to estimated \$12 million dollars of illegal charges. from April 2007-June 2020, if the committee recalls, Director Yarn's previous testimony in July 2020, he estimated at best, \$500, 000, worst \$2, 000, 000).

Will this bill correct the wrong of the illegal charging disable veterans each and every month since 2007, absolutely not, as almost half of the veterans, widows, and their families have passed being deprived of monies that impacted their quality of lives. Some losing their houses and unable. However, the passage of this bill and swift reimbursement to the families of deceased families will allow closure to their veteran loved ones, a closure that has been reopened because of these illegal charges.

TESTIMONY/SUMMARY OF KEY DATES AND INFORMATION

ITAM and Veteran organizations are chagrined this charges occurred to our brother and sisters and can't even fathom the quality of life their families dealt with, most families have communicated the financial hardship of losing an estimated \$3000-\$3500 each month to pay for the care of their loved one.

This action was done on a monthly certification process the RIVH completed to receive 100% from the VA for care for those veterans; **Attachment 2 is October 2011 monthly certification, emphasis on FOR MONTH ENDING October 31, 2011, page 3 of 5, pre-February 2013 and according to Director Yarn's , Attachment 1, these Veterans will not be reimbursed.**

Simply put, more than 56 Veterans have been impacted, **Attachment 3** (emphasis no date in the content of the VHA/VA correspondence to the RIVH is required to reimburse from).

Clearly, reviewing the form one can read and understand the state is required to identify the number of 70% or more or service-connected illness veterans requiring nursing home care, page 3 5, block 11. Page 4 of 5, even identifies the provisions of the applicable sections.

And just as disturbing, was Director Yarn's lack of action from Sept/Oct 2019 when ITAM organization first brought the concern to his attention about illegally charging disabled veterans.

ITAM members majority opinion and many veterans in Rhode Island, Director Yarn was **dereliction to his duties** in caring and proving quality of life our veterans from Sept/Oct 2019 (when he first became aware of the Veteran organization's concerns) to June 2020, when the VHA-VA in Washinton DC requested the RIVH to CEASE and DESIST charging the maintenance fee(**Attachment 4**):

ITAM believes Yarn's lack of active supports our opinion of the aforementioned claim of **dereliction to his duties**

- Failure to make inquire to VHA/VA to clarify when the reimbursements should be from' a 5-minute call to from ITAM on March 10, 2021, clarified the date the state was to reimburse from (a ITAM volunteer did this on his own time, left a message, and VHA-VA called back within an hour, and verified this information (**Attachment 1**); and the call was made to the point of contact listed on November 20, 2020 Yarn received (**Attachment 3**).
- Failure to respond to a APRA in January 2020 and followup February 2020 federal chartered organization, Italian American War Veterans, an organization that has membership in Rhode Island Governor's Veteran Advisory Committee(**Attachment 5 and 6**); **emphasis, the APRA copied and pasted the applicable federal law. Despite having this information, Yarn continued to charge the maintenance fee until VHA/VA requested in June 2020 to CEASE and DESIST(Attachment 4)**
- Yarn claims he was unaware of the federal and state laws, and believes since this was happening "way before his time", he appears to justify this illegal activity. **Attachment 7** is one of the pages from the VA Annial Survey, a third survey completed by VA since Yarn took the position as the Director overseeing the RIVHl **emphasis, on NO. 1003 51.41(a) Contract or VA provider agreement required VA and State home home.....etc...."**, and the rating was MET. This report Yarn is provided and required to review.

Attachment 8 is a copy of the State Care Agreement aforementioned , emphasis page 1 first sentence 1. reads:

"In accordance with 38 CFR 51.41, as amended in 77 Federal Register 72738, Department of Veterans Affairs(VA)

Attachment 5 is a copy of the January 2020 APRA Yarn failed to respond to, emphasis page 1 thru 4 ITAM provided a copy and paster of the federal law, CFR 51.41(recall this code is referenced on Attachment 7 and 8).

Attachment 6 is the folowup email, and notifying UVC-RI of Yarn's failure to respond to APRA request.

Not until July 2020 did Yarn cease charging the illegal fees, and only after VA/VHA Washington DC requested to CEASE and DESIST(Attachment 4); ITAM member, John Cianci (who has disclosed he was the whistle blower)---months and almost a year after the concern was brought to his attention.

In ITAM's opinion, Director Yarn's ignorance of the federal and state laws jeopardized millions of dollars of federal VA grants. Moreover, impacted the quality of life of over 100 severely disabled veterans and their families that entrusted the State of Rhode Island with their care.

Reading the above, this committee could understand why all the veteran organizations had a motion at the last United Veterans Council meeting, March 4, 2021, introduced and discussed to send Governor McKee a VOTE OF NO CONFIDENCE: UVC-RI is comprised of all organizations who are also on Governor's Veterans Advisory Committee.

The committee must understand the impact, on those Veterans and their families charged this maintenance fee. Example, (1) Spouses and family members were deprived of thousands of dollars every single month.

An example is Jim Fortson, who was interviewed by WPRI. His Mom lost almost \$3500 a month each and every month from 2007. Maybe, estimated \$250, 000 for the time period from 2007-2015. During this period, his Mom battled illnesses, and his family wonders if more could have been done if they had the money illegally charged.

Jim's family continues to be impacted by this illegal activity, Having to reopen their late father's estate. And disturbing, being told reimbursement would be only from February 2013. His brother has sought assistance from Senator Sheldon Whitehouse's office, to recoup illegal funds taken from his deceased Dad and Mom.

More / ongoing pain and suffering to recoup the illegal funds of others who have contacted ITAM organization to recoup funds illegally obtained from their deceased disabled veterans:

1. Families of deceased Veterans having to hire estate attorneys years after the previous closure of the estate.
2. Families of deceased Veterans being told to seek reimbursement, the widow of the veteran has to file in probate court since the check for maintenance fee were signed by the veteran, who since has passed.
3. Reimbursement from the effective date of law 2007 to February 4, 2013; families in contact with ITAM-RI will be entitled to over \$100, 000 each due to the overcharging, however, are being told no reimbursement will be made for overcharges prior to February 2013.

Unthinkable, the Office of Veterans Services could not make one simple call on behalf of several family members who believed they were entitled to thousands of dollars additional fees charged pre-February 2013.

Unthinkable members a Director is ignorant of federal and state laws for several years, despite a paper trail referencing the laws.

Unthinkable, the State of Rhode Island was the ONLY state illegally charging a fee for expenses 100% reimbursed by the VA(estimated \$12, 000 a month, per veteran).

Unthinkable the State of Rhode Island IGNORE 38 CFR 1745, and continue to charge the Veterans from the effective date of the law in April 2007(Attachment 10).

Unthinkable the State of Rhode Island invoiced and accepted payments from disabled Veterans and 30 later, invoiced the VA for 100% reimbursement; an action that violated Rhode Island state statute, Chapter 3-24 Rhode island Veteran Home, section 30-24-10(Attachment 11). Combined amounts exceeded the cost of the care for those disabled veterans by thousands of dollars---- each month.

Unthinkable a Department Director for several years would be ignorance of know federal and state laws. Moreover, the only document that is submitted and certified on a monthly basis for an estimated \$1, 000, 000 dollars a month in federal grants. And the provisions of the federal law are detailed on the form that is certified on a monthly basis, page 3 of 5, (Attachment 2) circled for the committee's convenience)

Yes, my tone and testimony might seem like a personal attack on Director Yarn, but it's not. Like many other Veterans, we are outraged by illegal charges against our brothers and sister in arms.

We feel their pain and are hurt by the unnecessary pain and suffering these Veterans and the families suffered in their final years-and some continue to suffer 6 months after the State of Rhode Island knew about the millions of dollars of illegal charges.

We are concerned, this could have been one of us.

Layman's term, deduct \$3,000 monthly income from your family's income. Would you have to make decisions losing that amount impacting your family's quality of life?

Would you be willing to sacrifice \$3000 a month to have your loved one have the camaraderie of other veterans, knowing a VA-approved nursing home in RI your loved one you would pay ZERO.

Please include the following attachment in support of the testimony:

Attachment 1 Director's Yarn response to UVC RI, March 5, 2021; concerns on reimbursements from 2007-2013

Attachment 2 VA 10-5588, October 2011, supporting TIVH was receiving 100% reimbursement pre-February 2013; one of several documents obtained recently by ITAM under State of Rhode Island APRA statue.

Attachment 3 November 2020, VA-VHA correspondence to Director Yarn

Attachment 4 June 2020 VA/VHA correspondence to Director Yarn's office to CEASE and DESIST charging a maintenance fee the VA was reimbursing the RIVH 100%

Attachment 5 and 6 Email's sent to Director Yarn from ITAM, he chooses to ignore them. More disturbing, ITAM provided him all the information to correct the ongoing wrong. He chooses to continue to illegally charge the veterans an additional 6 months until VA requested he CEASE and DESIST(attachment 4).

Attachment 7 One page from the results of the annual VA survey.

Attachment 8 Copy of the State Care Agreement signed by RIVH in February 2013.

Attachment 9 Copy of one of the 12 State Veterans home ITAN contacted inquiring on any charges for 70% or more service-connected disabled Veterans; this document is on the Long Island Veterans Home Webpage

Attachment 10 Copy of 38 CFR 1745; do not get confused this law was in effect prior to the changes of CFR 1741 February 2013, which one review the federal register, did not make any changes to the 2007 law paying State Veterans home the higher prevailing rate.

Attachment 11 RI Statute Chapter 30-24-10 Admission to home and fees

Attachment 12 The federal register detailing the changes requiring a State Home Care Agreement and its effective date.

CONCLUSION

In summary, the action ITAM is requesting from this committee is as follows:

1. Vote in favor of this bill.
2. Expedite the process of forwarding this bill for the entire body to vote and passage.

The committee's passage will not heal the scars and pain of suffering of the victims of this illegal charge, as many as 30 have died, but the passage of the bill is a small gesture of seeking forgiveness of a wrong the State of Rhode Island had been doing on a monthly basis for almost 13 years.

Lastly, ITAM brings to the attention of the committee a quote from General Washington in 1781:

Permit me Sir to add, that Policy alone in our Present Circumstances, seem to demand that every Satisfaction which can reasonably be requested, should be given to those Veteran Troops who, in the recent Conflict, have been so long and so faithfully serving the States . . ."

General George Washington to Governor Jonathan Trumbull of Connecticut, June 28th, 1781

The Italian-American War Veterans of Rhode Island thank you for the opportunity to present testimony and available for any questions.

Respectfully Submitted.

Italian American War Veterans of Rhode Island
John A Cianci
Department Commander/Veteran Service Officer
18 Winchester Ave
North Smithfield RI 02896